



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

MAY 14 2003

REPLY TO THE ATTENTION OF

MEMORANDUM

SUBJECT: NL Industries Taracorp Lead Smelter Site, SUPERFUND SITE ID No. 05W8;
DOJ Case Number: 90-11-3-608A; Memorandum and Order of U.S. District
Court Granting Entry of Consent Decree for Payment of Past Costs,
Reimbursement of Future Costs under the Consent Decree, Payment of Civil
Penalties for failure to Comply with UAO, Performance of a Supplemental
Environmental Project, Performance of Remedial Action, and Reimbursement of
Defendants Costs with funds from De Minimis Settlement

FROM: Larry L. Johnson
Associate Regional Counsel
Multi-Media Branch II

TO: Brad Bradley, Sheri Bianchin
Remedial Project Managers

Vanessa Mbogo, Accountant
Program Accounting and Analysis Section

The purpose of this memorandum is to transmit the attached copy of a Memorandum and Order of the U.S. District Court for the Southern District of Illinois granting the entry of the attached Consent Decree and to request that: 1) your office establish an account receivable(s) for the receipt of payments by Defendants under the terms of the settlement agreement. An EPA enforcement Accounts Receivable Control Number Form is attached for the purpose of establishing the Account Receivable. This memorandum is intended to meet requirements of the Office of Chief Financial Officer, under RMDS 2550D, Chapter 14-paragraph 3 and Chapter 15-paragraph 4.

The settlement agreement requires the defendants to: 1) make payment of past response action costs incurred by the United States at the NL Industries Taracorp Superfund Site; 2) make payment of a civil penalty; 3) implement certain remedial actions selected in a Record of

EPA Region 5 Records Ctr.



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Decision signed by U.S. EPA Region 5's Regional Administrator on March 30, 1990, and subsequently supplemented by an Explanation of Significant Differences signed on September 29, 1995; 4) implement a Supplemental Environmental Project that provides for a lead abatement program in Madison County Illinois; and 5) payment of any future response costs incurred after the effective date of this Consent Decree which the United States incurs in implementing, overseeing, or enforcing that decree. Those future response costs include certain Interim Response Costs and costs associated with pursuing the Settling Defendants and De Minimis Settlers. (Interim Response costs include all costs paid between July 18, 1998 and the effective date of the Consent Decree which was the date of its lodging on November 9, 1999.

The facility is located in Granite City, Madison, and Venice, Illinois. The facility includes a former lead smelter operation located at 16th Street and Cleveland Boulevard in Granite City, contaminated areas adjacent to that site and additional residential areas where lead came to be located in concentrations of 500 ppm or greater. The Superfund Identification Number for the Site is 05W8. The Department of Justice's Case Number for this action is 90-11-3-608A.

Response actions by either U.S. EPA or Potential Responsible Parties have been completed at the facility. Further response activities, except for groundwater monitoring, are not anticipated.

An account receivable should be established for receipt of payments for all past response costs, future response costs, and the civil penalty required to be paid under this settlement agreement.

The Supplemental Environmental Project requirement of the Consent Decree anticipates approximately \$2 million dollars worth of work. The Decree has a provision for the payment of that amount, less the value of work completed, should that provision not be implemented. Because this provision is provisional, an account receivable for such a payment should not be established at this time.

The Decree also provides for the future payment to the Settling Defendants of money received under a separate settlement agreement with De Minimis parties under Section 122(g) of CERCLA. A special account will need to be established for the receipt of payments under that De Minimis settlement.

Defendants past cost payment of \$8.97 million is due 45 days from the date of entry of the decree. Date of entry is March 18, 2003 so the past cost payment is due on or before May 2, 2003. Payment is to be made by FedWire EFT to the DOJ account. See paragraph 50.a of the Consent Decree.

The Defendants' address for purposes of billing, remittance, and notice of Non-Compliance with Payment provisions under the Settlement Agreement is set forth in paragraph 115 of the Decree.

Brad Bradley, 6-4742, and Shari Bianchin, 6-4745 are the Remedial Project Officers assigned to this site. I am the attorney assigned in this matter and can be reached at 6-6609.

Attachments

cc: (w/out attachments) Norman Niedergang,
 Resources Management Division
 William Muno, Superfund Division
 Cyprian Ejiasa, Comptroller
 Doug Ballotti, Superfund Enforcement Coordinator
 Jan Loughlin
 Eric Cohen
 Steve Willey, DOJ

cc: (w/ attachments) Carl Stimson